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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/733,716   | 12/11/2003  | Paul Brent Rivers    | BE1-0017US          | 8549             |
| 49584  | 7590        | 07/27/2005           | EXAMINER            |                  |
| LEE & HAYES, PLLC<br>421 W. RIVERSIDE AVE.<br>SUITE 500<br>SPOKANE, WA 99201 |             |                      | CHIN, PAUL T        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3652                |                  |

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/733,716

Applicant(s)

RIVERS ET AL.

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's amendment filed May 19, 2005, and the arguments presented therewith have been carefully considered and they are persuasive. However, the arguments are moot in view of the new ground(s) of rejection. Therefore, applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7,9,10,13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Darnes (617,284).

Darnes (617,284) discloses a storage device (see Exhibit A) comprising a C-shaped hanger, a base having a tray portion (see Exhibit A), which can be considered as a tool tray portion, having one tool receiving opening and a lip, and storage bin portion (A) having at least one compartment; a pedestal having a first portion and a second portion wherein the storage device is suspendable from a cable (u).

Re claims 2 and 3, figure 1 shows a tool-receiving opening and a lip.

Re claim 5, figure 1 shows at least one hook (p) connected to the base.

Re claims 13-15, figure 3 shows a handle (S) connected to portions of two pedestal and at least a loop (see Exhibit A) connected to the handle.

Art Unit: 3652

4. Claims 1-5,9, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hines (768,364).

Hines (768,364) discloses a storage device comprising a substantially C-shaped hanger (K), a base (A) having a tool tray portion having one tool receiving opening and a lip (b2) (Fig. 2), and storage bin portion (Fig. 1) having at least one compartment; a pedestal (a,b) having a first portion and a second portion. Note that claim 1 recites the intended use (i.e. for use in operative association with a cable connected to at least a portion of an elevated structure) and the Hine's storage device is capable of being connected or attached to a cable or a rod for suspension.

Re claim 5, an accessory hook (small c) connected to the base (B).

Re claims 13-15, figure 1 shows a handle connected to portions of two pedestals (a,b) (fig. 1) and at least a loop (d1) connected to the handle.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darnes (617,284).

Darnes (617,284), as presented in section 3 above, does not clearly show that at least one pedestal includes a removable connection (threaded connection) to the base.

Figure 1 shows that the bottom of the pedestal is substantially connected to the base at a loop member (p). Note one of the loop members can be considered as a part of the pedestal. The loop member is connected to the base portion (see Figure 1), but does

Art Unit: 3652

not disclose the threaded connection. It would have been obvious to those skilled in the art to provide a threaded screw to connect the bottom end of the pedestal to the base portion to firmly hold the base.

7. Claims 11,12, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darnes (617,284) in view of Buehler (5,803,422).

Darnes (617,284), as presented in section 3 above, contains all the structural elements as recited in the claims, except having a line attached along an interior surface portion of the C-shaped hanger. However, Buehler (5,803,422) teaches a liner (38,40) which is glued in the underside of a hook. Accordingly, it would have been obvious to those skilled in the art to provide a liner to be attached to the interior of the C-shaped hanger (Z) of Darnes (617,284) as taught by Buehler (5,803,422) to provide as a cushioning and friction to the storage device.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hines (768,364).

Hines (768,364) , as presented in section 4 above, does not clearly show that at least one pedestal includes a removable connection (threaded connection) to the base (A). Accordingly, it would have been obvious to those skilled in the art to provide a threaded screw to connect the bottom end of the pedestal to the base portion to firmly hold the base.

9. Claims 11,12, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hines (768,364) in view of Buehler (5,803,422).

Art Unit: 3652

Hines (768,364), as presented in section 4 above, contains all the structural elements as recited in the claims, except having a liner attached along an interior surface portion of the C-shaped hanger. However, Buehler (5,803,422) teaches a liner (38,40) which is glued in the underside of a hook. Accordingly, it would have been obvious to those skilled in the art to provide a liner to be attached (wrapped the around) to the interior of the C-shaped hanger (K) of Hines (768,364) as taught by Buehler (5,803,422) to provide as a cushioning and friction to the storage device.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Duer (695,380) discloses a C-shaped hanger (A'), a base having a tray to contain objects, a pedestal assembly to connect the hanger and the base.

12. Applicant's amendment (the additions of new limitations in the claims) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3652

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ptc

PTC

  
7/25/05  
DEAN J. KRAMER  
PRIMARY EXAMINER

10/733,716

Exhibit A

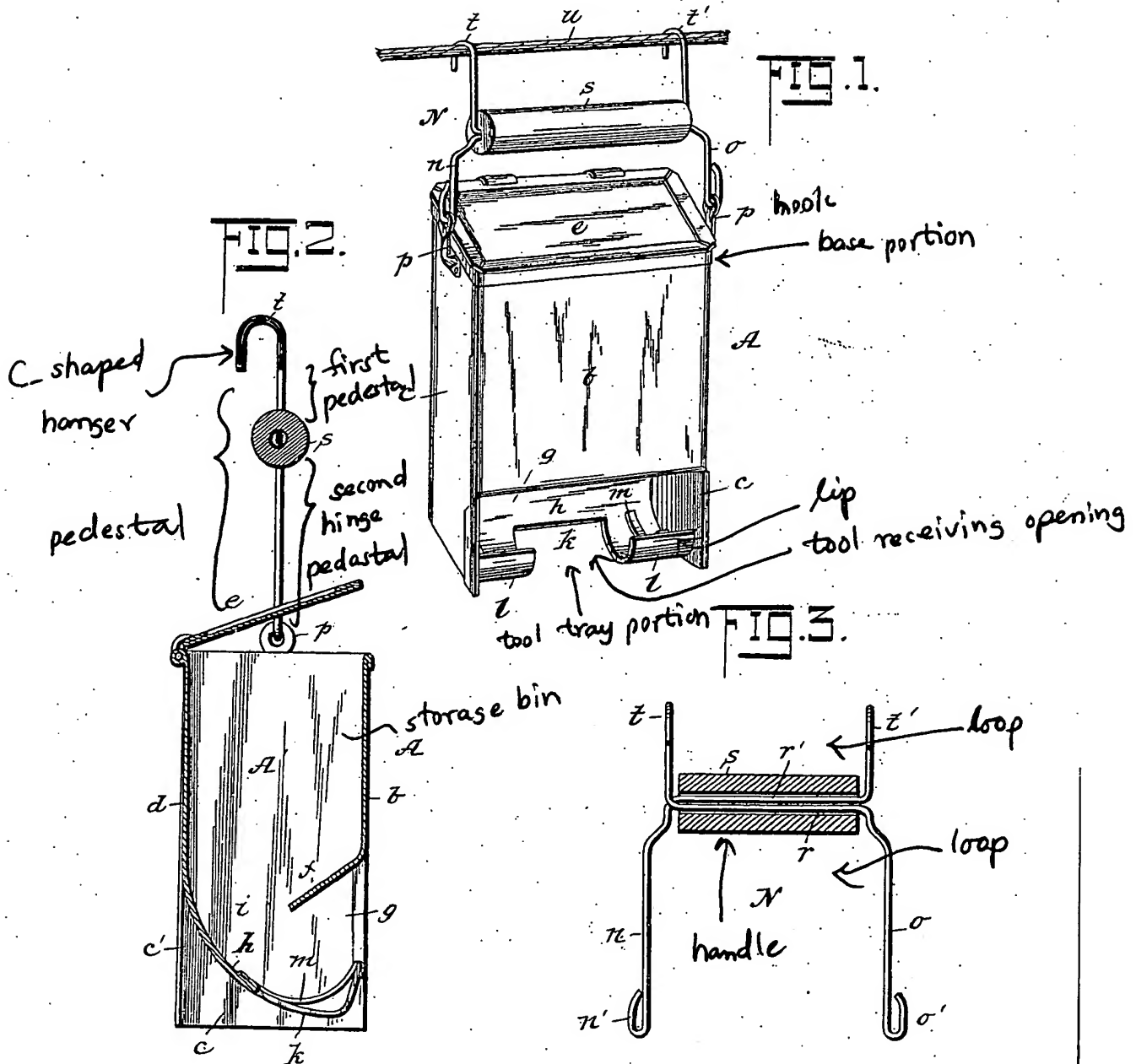
No. 617,284.

Patented Jan. 3, 1899.

**R. C. DARNES.**  
**CLOTHES PIN BOX OR HOLDER.**

(Application filed Feb. 28, 1898.)

(No Model.)



Witnesses:  
*Saml. R. Turner*  
*C. B. Stines*

Inventor:  
*Richard C. Darnes*  
By *R. A. R. Lacey*  
his Attorneys.